

WO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Frederick Michael Ellis,)	No. CV 11-0297-PHX-JAT
Petitioner,)	ORDER
vs.)	
Keith Hartsuck, et al.,)	
Respondents.)	

Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus ("Petition") (Doc. 1). The Magistrate Judge issued a Report and Recommendation ("R&R") (Doc. 16) recommending that the Petition be denied.

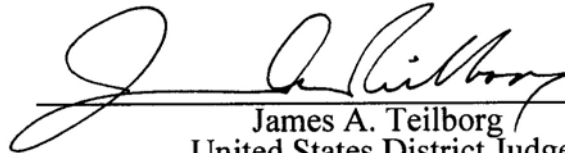
Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct "any review at all . . . of any issue that is not the subject of an objection" (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) ("statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise" (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

Based on the foregoing,

IT IS ORDERED that the Magistrate Judge's Report and Recommendation (Doc. 16) is **ACCEPTED**; accordingly,

- Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) is denied and dismissed with prejudice,
- consistent with the recommendation in the R&R (to which there was no objection), and in the event Petitioner files an appeal, the Court denies issuance of a certificate of appealability because jurists of reason would not find the procedural rulings debatable and Petitioner has not made a substantial showing of the denial of a constitutional right on the remaining claims, and
- the Clerk of the Court shall enter judgment of dismissal with prejudice.

DATED this 21st day of June, 2012.



James A. Teilborg
United States District Judge